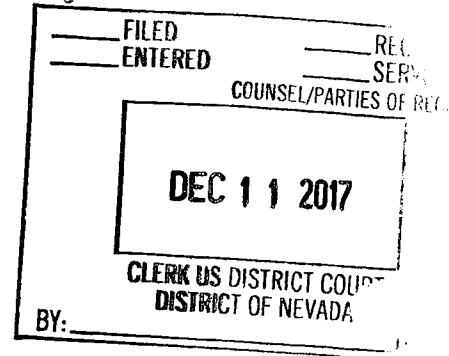


STEPHEN CHOATE
 Name
SDCC P.O BOX 202
INDIAN SPRINGS, NV 89070
1138436
 Prison Number



US
 DISTRICT COURT

CLARK COUNTY, NEVADA

STEPHEN CHOATE,
 Plaintiff,
 vs.
5th DISTRICT, Judge Robert Lane,
Attorney General, Rayna Swift,
Lisa Chamlee, attorney,
Thomas Gibson, attorney,
Harry Klein, attorney,
 Defendant(s).

2:17-cv-03043-RFB-VCF

DEPT. NO. _____

NRS 41.0322 TORT ACTION

CIVIL RIGHTS COMPLAINT

PURSUANT TO

42 U.S.C. § 1983

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, STEPHEN CHOATE
 (Print Plaintiff's name)
 who presently resides at SDCC, P.O. BOX 202 Indian Springs, Nev, were
 violated by the actions of the below named individuals which
 were directed against
 Plaintiff at Dahrum Justice District Court on the following dates
 (institution/city where violation occurred)
2013-2017, 2013-2017, and 2013-2017.
 (Count I) (Count II) (Count III)

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant Robert Lane resides at _____.
(full name of first defendant) (address if first defendant)
and is employed as Judge, Nye County District Court. This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: First Amendment, Access to Court and 14th Amendment,
as officer of Court in his official capacity

3) Defendant Rayna Swift resides at Las Vegas, NV 89101
(full name of first defendant) (address if first defendant)
and is employed as Assistant Atty General. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: prosecuting attorney under Attorney General office.

4) Defendant Lisa Chamlee resides at _____.
(full name of first defendant) (address if first defendant)
and is employed as Lisa Chamlee. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: defense attorney appointed by Nye County.

5) Defendant Thomas Gibson resides at _____.
(full name of first defendant) (address if first defendant)
and is employed as defense attorney. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: defense attorney

6) Defendant Harry Klein resides at _____,
 (full name of first defendant) (address if first defendant)
 and is employed as defense attorney. This defendant is sued in his/her
 (defendant's position and title, if any)
☒ individual ☐ official capacity. (Check one or both). Explain how this
 defendant was acting
 under color of law: defense attorney

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and
 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or
 additional statutes, list them below.

~~28 U.S.C. § 242, NRS 41.0322.~~ Federal vs District Court only

B. NATURE OF THE CASE

1) Briefly state the background of your case.

To BRING Federal lawsuit Petitioner is charging⁽¹⁾ Sentencing Judge Lane
Deliberate INDIFFERENCE to Petitioner Substantive Due Process Rights under 14th Amendment
Right to Access to Courts who formed a Policy of Transport "Sentenced Defendants" to Prison
IN FIVE days without Assurances defense Counsel NOTIFICATION OF First Right of
Direct Appeal within 30 days⁽²⁾ Attorney General, prosecuting Attorney obtained a
CONVICTION/sentence based upon knowingly used FALSE EVIDENCE including
False testimony at sentencing to obtain a tainted CONVICTION/sentence.
(3) (5) Court appointed Attorneys formed NO affirmative defense and
offered no appellate assistance or legal advice on First Right of Appeal
violating all 14th Amendment Due Process Right to Fair trial, & negligence
for 14th Amendment due process of EFFECTIVE Assistance Counsel

C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: 14th Amendment, Due Process
under First Amendment, Right Access to Courts, and
FAIR trial.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

AT SENTENCING PETITIONER ASSERTED INNOCENCE, JUDGE LANE MAX SENTENCE WITH Policy to transport Defendant to Prison in 5 days without INQUIRING IF Court APPOINTED Attorney notified defendant of Direct Appeal Rights in 30 days, and had a Policy of denying Access to Courts to exercise Constitutional Right to Appeal, and sentencing Judge, announce sentencing as a class of criminals at large, and single out petitioner under Discriminatory Behavior as class of one. Judge Lane knew Prison had policy of 30-45 days of Solitary confinement so Direct Appeal would not be Filed. Post Conviction, after series of 30 motions to received Evidentiary Hearing on "Known" Prejudured testimony AT Sentencing; FAILED to hold "hearing" and to Blind eye to any evidence to challenge Prejudured testimony AT Sentencing in Discriminatory manner Violating Due Process Rights to be heard. District Judge Lane, FAILED to inquire IF Defense attorney Chamlee was performing constitutional duty to notified petition of appellant rights, Petitioner has A Right to EFFECTIVE Competent Counsel and Right to have access to the Courts and Judge Lane cannot single out a defendant for sentencing as group of people with Deliberate Indifference to Bill of Rights to have FAIR trial.

COUNT II

The following civil rights has been violated: Fourteenth Amendment
due process, Brady Violation, deny fair trial
Attorney General of Nevada

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Petitioner is asserting ATT General had a Policy of Direct Discrimination AND ENGAGE IN Political Prosecution of Petitioner class of one, as Mortgage Banker, AND WITHHOLD Maurizio Investigation File as exculpatory favorable evidence from defense attorney and schedule known prepared testimony of Prepared witness at sentencing knowing would prejudice sentencing Judge with Bias to offer false, fraudulent testimony, to deny petitioner FAIR trial and violated due process rights, and equal protection Clause and conspired with sentencing judge to deny access to the courts by not forwarding "Maurizio Investigation File" post conviction thru 5th district efforts by petitioner on 30 motions to compel and engage in deceptive practices to evade efforts to produce maurizio investigation file, which violates fair trial due process rights (Brady vs Maryland) and impede Habeas Corpus Petition efforts to secure maurizio file to show innocence. Attorney General engage in discriminatory practices in engineering a deception plea bargain of "no prison time" and knowing would allow maurizio to testify at sentencing with known fraudulent testimony to violate fair trial claim and due process rights protected by Bill of Rights, which prejudice Judge to max sentence.

COUNT III

The following civil rights has been violated: Ineffective Assistance of
Counsel 14th Amendment

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

FIVE COURT Appointed Attorneys over 1 1/2 yrs and not (1) objection or Affirmative defense plan outlined but unconstitutional defective plea bargain with coercion tactics. Defense Attorney Chamlee, had a duty to announce legal right to Direct Appeal within 30 days and failed to communicate Appellant rights. Atty Thomas GIBSON, never met with petitioner and had a plea bargain which he forwarded to Lisa Chamlee with never once meeting or phone call. Attorney Harry Klein, did not attend court hearing, would not return phone calls and accepted court appointed atty status "knowing" he had ethic violation and license suspension pending. Harry Gunter, attorney never return phone call and did not attend trial. Lisa Chamlee as ~~State~~ in line attorney, never objected once, only tacit for coercion to force plea bargain and at sentencing petitioner alerted Chamlee, witness was Lying, and did not object or offer any meaningful defense or appeal legal advice, Violating all due process rights to fair trial, and effective assistance of counsel

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? ☒ Yes ☐ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

outline).

- a) Defendants: Stephen Choate vs Williams, Warden, SACC
- b) Name of court and docket number: US DISTRICT, 216-CV-008(3-RT)
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):
still pending - Habeas Corpus Petition
- d) Issues raised: (8) constitutional violations and 91 due process errors
- e) Approximate date it was filed: 4-6-16
- f) Approximate date of disposition: have no idea

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?
___ Yes ___ ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): ___ frivolous ___ malicious or ___ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____
- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____

- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ____ Yes ☒ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) ____ disciplinary hearing; (2) ☒ state or federal court decision; (3) ____ state or federal law or regulation; (4) ____ parole board decision; or (5) ____ other ____.
- If your answer is "Yes", provide the following information. Grievance Number ____.
- Date and institution where grievance was filed ____.

Response to grievance: Habeas Corpus Petition, filed 4-6-16, but this
is related to sentence, but not civil Rights Violation

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

compensatory damages and punitive damages to be
determine by jury and injunctive relief to ask
court to issue order for Attorney General to produce
Maurizio Investigation File and sanction AG for deceptive
practices and injunctive relief to stop 5th District
predatory practices (5) days more prison without verifying
Atty Counsel defendant. IF I have to put Monetary Value = \$1,000,000

I understand that a false statement or answer to any question in this complaint will
subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY
UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE
FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)

Stephen Clotte
(Signature of Plaintiff)

Dec 7, 2017
(Date)

(Additional space if needed; identify what is being continued)

Please accept (H) page 11 over view why this
is Civil Rights Violation and merits to be heard.

CERTIFICATE OF SERVICE BY MAILING

I, Stephen Choate, hereby certify, pursuant to NRCP 5(b), that on this Dec 5 day of Dec 5, 2017, I mailed a true and correct copy of the foregoing, "1983/ Civil Rights Complaint"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the United State Mail addressed to the following:

US District Court
333 Las Vegas Blvd So 1334
Las Vegas, NV 89101

CC:FILE

DATED: this 5th day of Dec, 2017.

Stephen Choate
Stephen Choate # 1138476
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

1983 Civil Rights Complaint

(Title of Document)

filed in District Court Case number _____

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

S Choate

Signature

12-7-17

Date

Stephen Choate

Print Name

petitioner

Title

(2) Attorney General, as prosecuting Attorney filed 21 felony charges, and one of 21 felony charges was maurizio based on known false, prepared statements, from paid for NYE County investigation and file that NYE County District Attorney knows to be prepared statements, which would of showing no whitened out fraud check, and legal waiver to work on loan file per maurizio own legal counsel, and prosecution failed to turn over exculpatory evidence to Defense and Attorney General engineered negotiated plea bargain with no recommendation of prison "knowing" would present prepared victim, defense witness at Sentencing to create Judicial Bias. Post conviction, after over 10 motions at 5th District or Habeas Corpus Petition refused to turn over "maurizio investigation file" to petitioner, even acting as own counsel, and "obstructed justice" to stop tender of "exculpatory evidence".

Fourteenth Amendment right to Fair trial, First Amendment Right to Access to Courts, under legal case law "Brady vs Maryland", legal obligation to turn over all known and unknown evidence, even favorable evidence to petitioner, defendant to his legal counsel.

Discrimination Violations of Class of one, single out for arbitrary treatment, & 8th Amendment Violations of Deliberate Injustice under Cruel & Unusual treatment is bedrock of this Civil Rights Violation presented with this Complaint

(3) ~~Effective~~ Assistance of Counsel, under 14th Amendment

Basic 14th Amendment rights to have (EAC), under Roewe Flores - Ortega, 538 US 470, 120 (2000), the Supreme Court held that "there is a constitutional imposed duty on an attorney to consult with a (d) about a appeal if there is reason to think a rational (d) would want an appeal, (element) must show that had he been consulted about appeal he would have timely appealed." Douglas v Calif 835 Ct, 1238 (1983) "State responsibility under Due Process Clause is to provide justice for all... short of constitutional standards of fairness, and that there should be no distinction between Richman and Poorman."

(5) court appointed attorneys, over 1 1/2 yrs, not (1) objection, repeated acts for failure to appear at trial, no appellant legal advise at post conviction, even, when trial counsel is notified of pre-judged testimony at sentencing not to ask for "Evidentiary Hearing", especially allocution announcement of innocence, the ability of Attorney Gibson, never once having met Defendant to have a plea bargain to forward to next court appointed attorney, Chamlee, and Chamlee First meeting with (d) using coercion tactics to enforce unconstitutional plea bargain and Coerce guilty plea thru fear and intimidation violates all Constitutional guarantees of Due Process of 14th Amendment.

In closing, please accept this Civil Rights lawsuit in US Federal Court that is based on Civil Rights Violation not overturn conviction, which currently under Habeas Corpus Petition.

When US Constitution was been formatted in 1776 founding fathers were adamant of stopping "Star Chambers Justice" (English law 16/17th century) of determining guilt by majority vote rather than by un-biased vote of jury to protect against the likelihood of wrongful conviction which did not allow cross examination witness to be criticized component of due process, particularly the creditability contradicting witness...

Petitioner is claiming District Court Judge Lane, Prosecuting Atty General and defense attorney independently or collectively created a policy of deliberate indifference to deny plaintiffs of due process rights of fair trial and to assert innocence, and collectively, especially under Judicial scrutiny and lack of judicial fair procedures, mandated under Federal Rules of Procedure, created "Kangaroo Court" instead of using a system that preserves certain basic procedures "Rights to pursue the truth, hence this Civil Rights lawsuit, to vindicate Petitioner Constitutional Rights, guaranteed under US Constitution.